

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Vasiljef PIOTR et al.
SERIAL NO.: 10/578,922
FILED: May 9, 2006

GROUP ART UNIT: 2834
EXAMINER: Jaydi SanMartin
DATED: January 22, 2009

FOR: SMALL PIEZOELECTRIC OR ELECTROSTRICTIVE LINEAR MOTOR

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in page 2 of Notice of Allowability/PTOL-37, mailed October 29, 2008, in which the Examiner indicated that claims 1-19 were allowed for the reasons noted therein.

As specified in MPEP 1302.14, “care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims.” It is submitted that the Examiner’s Statement does not meet these standards and, instead, raises “possible misinterpretations... and possible estoppel effects” (MPEP 1302.14) and, accordingly, should be disregarded. For example, the Examiner’s statement that the cited references failed to teach or suggest “limitations as set forth in the independent claims, and *specifically comprising...*” (emphasis added) raises possible misinterpretations as independent claims as well as dependent claims speak for themselves.

That is, it is submitted that the claims noted above are not constrained by such limitations, if any, noted in the Examiner’s Statement and that the claims speak for themselves as to what features are included therein and are their own best evidence as to the reasons for allowance of same.

Respectfully submitted,

By:___/Charles Y. Park/ _____
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